

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTMENTS, LLC d/b/a
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

v.

SALESFORCE.COM, INC.,

Defendant.

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CIVIL ACTION NO. 6:20-cv-1164

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Brazos” or “Plaintiff”), by and through its attorneys, files this Complaint for Patent Infringement against Defendant Salesforce.com, Inc. (“Salesforce”) and alleges:

NATURE OF THE ACTION

1. This is a civil action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 1, et seq., including §§ 271, 281, 284, and 285.

THE PARTIES

1. Brazos is a limited liability corporation organized and existing under the laws of Delaware, with its principal place of business at 606 Austin Avenue, Suite 6, Waco, Texas 76701.

2. Defendant Salesforce is a corporation organized and existing under the laws of Delaware that maintains an established place of business at 415 Mission Street, 3rd Floor, San Francisco, California 94105.

JURISDICTION AND VENUE

3. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. §§271, 281, 284, and 285.

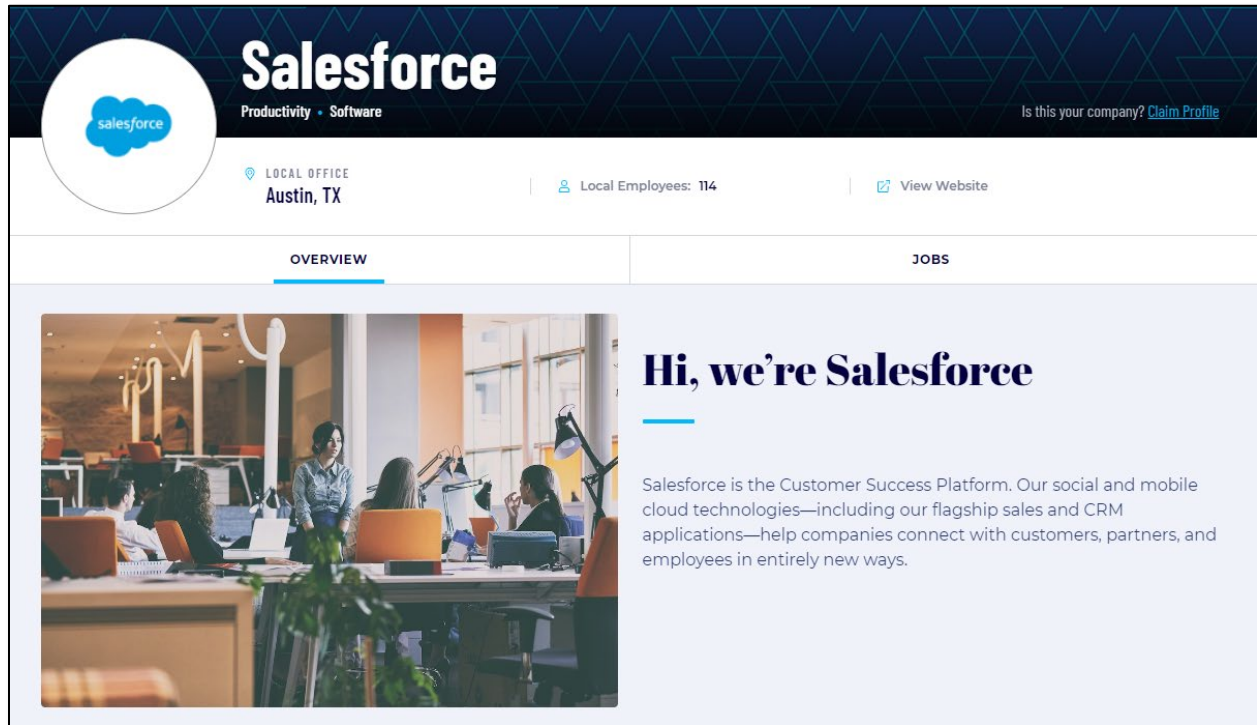
4. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has specific and general personal jurisdiction over Defendant pursuant to due process and/or the Texas Long Arm Statute because Defendant has committed acts giving rise to this action within Texas and within this judicial district. The Court's exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice because Salesforce has established minimum contacts with the forum. For example, on information and belief, Defendant has committed acts of infringement in this judicial district, by among other things, selling and offering for sale products that infringe the asserted patent, directly or through intermediaries, as alleged herein.

6. Venue in the Western District of Texas is proper pursuant to 28 U.S.C. §§1391 and 1400(b) because Defendant has committed acts of infringement in this judicial district and has regular and established places of business in this judicial district and in Texas. As non-limiting examples, on information and belief, Defendant uses office space in Austin for client meetings. Salesforce has more than 300 employees that work in this judicial district, including employees working in the cities of Waco, Austin, and San Antonio. The titles of said employees include "Vice President," "Principal Architect," and "Senior Director."

7. Upon information and belief, the majority of Salesforce's nationwide workforce is working from home and will continue to be allowed to do so until at least August of 2021. Upon information and belief, some of the Salesforce employees working in the Western District utilize

their home as a principal place of business for Salesforce. Additionally, such employees are allowed to advertise that they are, for example, an Austin Salesforce employee. Because of such representations, local magazines advertise Salesforce as having a place of business in Austin.



Source: <https://www.builtinaustin.com/company/salesforce>

COUNT ONE - INFRINGEMENT OF U.S. PATENT NO. 8,209,411

1. Brazos re-alleges and incorporates by reference the preceding paragraphs of this Complaint.

2. On June 26, 2012, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8209411 (“the ‘411 Patent”), entitled “System, method and computer program product for providing content to a terminal.” A true and correct copy of the ‘411 Patent is attached as Exhibit A to this Complaint.

3. Brazos is the owner of all rights, title, and interest in and to the ‘411 Patent, including the right to assert all causes of action arising under the ‘411 Patent and the right to any

remedies for the infringement of the '411 Patent.

4. Salesforce makes, uses, sells, offers for sale, imports, and/or distributes in the United States, including within this judicial district, products such as, but not limited to, Salesforce CRM (collectively, the “Accused Products”).

5. Salesforce Customer Relationship Management (“CRM”) uses a messaging gateway, a first network environment, and a second network environment to receive, from the first network environment, content and addressing information associated with an apparatus within the second network environment. The content is reformatted in a vectorized format.

6. Salesforce CRM is a software technology for managing a company’s relationships and interactions with customers, service users, colleagues, and suppliers. It stores and manages customer contact information such as names, addresses, and phone numbers, and keeps track of customer activity such as website visits, phone calls, email, and more.

This is a simple definition of CRM.

Customer relationship management (CRM) is a technology for managing all your company's relationships and interactions with customers and potential customers. The goal is simple: Improve business relationships. A CRM system helps companies stay connected to customers, streamline processes, and improve profitability.

When people talk about CRM, they are usually referring to a CRM system, a tool that helps with contact management, sales management, productivity, and more.

A CRM solution helps you focus on your organization's relationships with individual people – including customers, service users, colleagues, or suppliers – throughout your lifecycle with them, including finding new customers, winning their business, and providing support and additional services throughout the relationship.

Source: <https://www.salesforce.com/crm/what-is-crm/>

What does a CRM system do?

A customer relationship management (CRM) solution helps you find new customers, win their business, and keep them happy by organizing customer and prospect information in a way that helps you build stronger relationships with them and grow your business faster. CRM systems start by collecting a customer's website, email, telephone, social media data, and more, across multiple sources and channels. It may also automatically pull in other information, such as recent news about the company's activity, and it can store personal details, such as a client's personal preferences on communications. The CRM tool organizes this information to give you a complete record of individuals and companies overall, so you can better understand your relationship over time.

A CRM platform can also [connect to other business apps](#) that help you to develop customer relationships. CRM solutions today are more open and can integrate with your favorite business tools, such as document signing, accounting and billing, and surveys, so that information flows both ways to give you a true 360-degree view of your customer.

Source: <https://www.salesforce.com/crm/what-is-crm/>

7. Salesforce CRM provides a feature of sharing files and media (e.g., content) in the form of Salesforce CRM content. This content includes all file types, from traditional business documents such as Microsoft PowerPoint presentations to audio files, video files, Web pages, Google Docs, and the like. A user can publish and share official corporate files with coworkers and deliver them to customers.

SALESFORCE HELP > DOCS > COLLABORATE WITH EVERYONE

Salesforce CRM Content Overview

Organize, share, search, and manage content within your organization and across key areas of Salesforce with Salesforce CRM Content. Content includes all file types, from traditional business documents such as Microsoft® PowerPoint presentations to audio files, video files, Web pages, and Google® docs.

Source: https://help.salesforce.com/articleView?id=content_about.htm&type=5

SALESFORCE CRM CONTENT

Publish and share official corporate files with coworkers and deliver them to customers.

Create, clone, or modify a sales presentation and save it so only you can see it and work on it. When you're ready, publish it so other users in your company have access to it. Create a content pack and send it to customers.

Source: https://help.salesforce.com//articleView?id=collab_files_differences.htm&type=5

8. To access Salesforce CRM content, users do not need to download a large document. If the document is a Microsoft PowerPoint, Word, Excel, or Adobe PDF file, a user can preview the entire file in the browser or application without downloading it. The content details page provides document details at a glance, including document title, author, description, tags, libraries, comments, votes, versions, subscribers, and downloads.

Previewing

In Salesforce CRM Content you do not need to download a large document to determine if its content is relevant to you. The content details page provides document details at a glance, including document title, author, description, tags, libraries, comments, votes, versions, subscribers, and downloads. If the document is a Microsoft PowerPoint, Word, Excel, or Adobe® PDF file, you can preview the entire file in your browser without downloading it. Some aspects of files may not be displayed in previews. Copy-protected PDFs can't be previewed.

Source: https://help.salesforce.com/articleView?id=content_about.htm&type=5

9. Salesforce CRM allows users to upload documents (e.g., a content file such as Microsoft PowerPoint or Word file), which are converted into an optimized web-based version. Salesforce CRM generates a PDF version of the uploaded document and uses the PDF version to generate the Scalable Vector Graphics (SVG) version (e.g. reformatted in a vectorized format) for online preview. The encrypted URL for the content (e.g. content uploaded to the Salesforce CRM) can be sent to a recipient (including external users), such as leads, customers, partners, and colleagues via e-mails as attachments.

10. As an example of this feature, the e-mail for the content delivery can be sent to users in the organization (i.e., internally) or externally (e.g. to Google and Outlook users) if the recipient is not an internal user of Salesforce CRM. Salesforce CRM provides a feature to track the content deliveries by noting whether content is viewed and, also, whether access is by an internal (Salesforce) user or an external user.

A **content delivery** allows you to convert documents such as Microsoft® PowerPoint and Word files into an optimized web-based version for easy online viewing. After you create your delivery, you can send its encrypted URL to any recipient, such as leads, customers, partners, and colleagues, and then track how often people view or download the content. Content deliveries are available in Salesforce Classic only. However, Lightning Email generates delivery-based links as email attachments for Lightning Experience users who have access to the Content Deliveries feature.

Source: https://help.salesforce.com/articleView?id=content_delivery_create.htm&type=5

The description

Salesforce does not guarantee all file types and their contained features will properly generate previews in Content. The 'Previewing' section of the [Salesforce CRM Content](#) documentation outlines this limitation. [Viewing and Editing Content Details](#) mentions this limitation as well, and details which file types are currently supported for previewing.

For this reason, it is recommended to thoroughly review the online version of all content to ensure you are happy with the quality of it. Then decide whether it should only be downloaded and viewed in its original file format.

When a Content file is uploaded to Salesforce, the application generates PDF versions of the file's contents which are then used to generate an SVG version of the file for the online preview.

Note: During the upload and conversion process it is not possible for Salesforce to guarantee that all the original file's formatting and features will be preserved in the online version used for Content previews.

Source: <https://help.salesforce.com/articleView?id=000337845&type=1&mode=1>

Tracking Content Deliveries

Each time a content delivery's URL is opened, Salesforce records the event as a **view**. The Views related list on the content delivery detail page lists every view associated with the delivery. Information about the view includes the date and time, whether the view was by an internal (Salesforce) user, and whether the view included a download. If the content delivery provided the ability to download the file in its original file format or as a PDF file, the File Downloaded flag indicates that a download occurred, but you cannot distinguish between file types.

Source: https://help.salesforce.com/articleView?id=content_delivery_view.htm&type=5

11. In Salesforce CRM, shared files are delivered over the Internet and can be run in a Web browser. Any user can access these files from a smart device.

12. As an example of this feature, a first user on a desktop connected to a local wireless network (e.g., in the first network environment) uploads a content file to the Salesforce CRM and creates an online preview version of it. The first user sends a content file (e.g., online version) via Salesforce CRM (e.g., message gateway) to a second user accessing at a remote location (in second network environment). The URL for accessing the content file is sent to an e-mail address (e.g., addressing information) of the second user, where the recipient can be an internal user (i.e., Salesforce subscriber) or an external user. The sender can restrict the view access as an online version only (e.g., preview of the content/SVG format). Here, the sender of the content file and the Salesforce cloud are co-located and a single entity responsible for reformatting of the content file in a vectorized format.

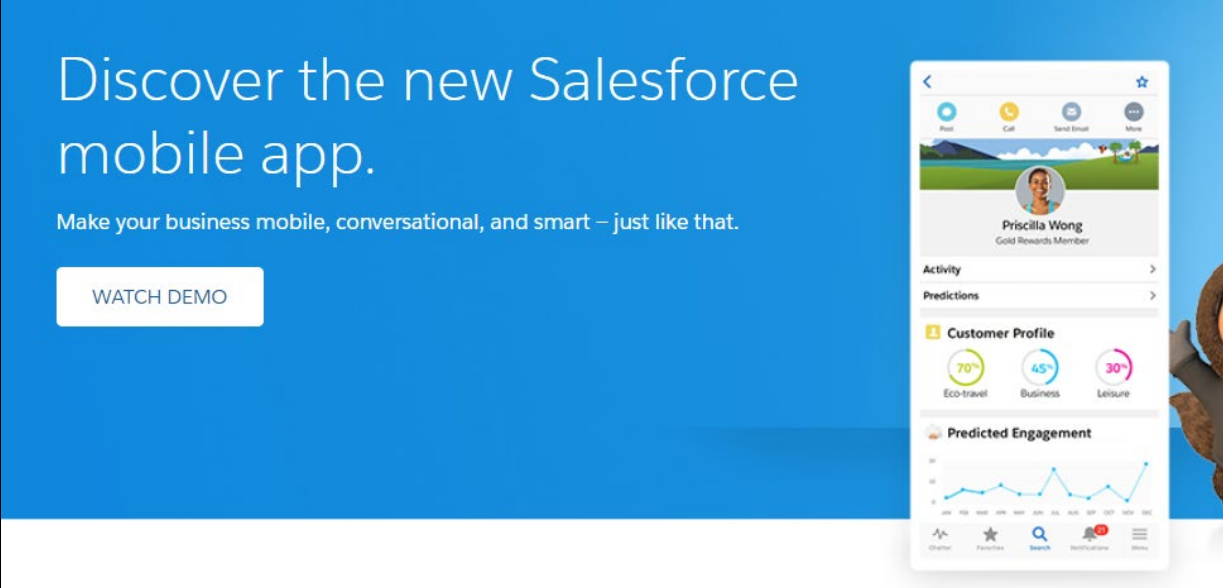
Here's what cloud-based CRM offers your business.

CRM and the cloud computing revolution have changed everything. Perhaps the most significant recent development in CRM systems has been the move into the cloud from on-premises CRM software. Freed from the need to install software on hundreds or thousands of desktop computers and mobile devices, organizations worldwide are discovering the benefits of moving data, software, and services into a secure online environment.

WORK FROM ANYWHERE.

Cloud-based CRM systems such as Salesforce (Learn more: [What is Salesforce?](#)) mean every user has the same information, all the time. Your sales teams out on the road can check data, update it instantly after a meeting, or work from anywhere. The same information is available to anyone who needs it, from the sales team to the customer service representatives.

Source: <https://www.salesforce.com/crm/what-is-crm/>



Discover the new Salesforce mobile app.

Make your business mobile, conversational, and smart – just like that.

[WATCH DEMO](#)

The image shows a smartphone displaying the Salesforce mobile app interface. The app features a top navigation bar with icons for Home, Call, Send Email, and More. Below this is a user profile for Priscilla Wong, a Gold Rewards Member. The main content area includes sections for Activity, Predictions, Customer Profile (with metrics for Eco-travel at 70%, Business at 45%, and Leisure at 30%), and Predicted Engagement (a line graph showing engagement over time). The bottom navigation bar includes icons for Home, Favorites, Search, Notifications, and More.


Source: <https://www.salesforce.com/solutions/mobile/overview/>

The description	<p>Salesforce does not guarantee all file types and their contained features will properly generate previews in Content. The 'Previewing' section of the Salesforce CRM Content documentation outlines this limitation. Viewing and Editing Content Details mentions this limitation as well, and details which file types are currently supported for previewing.</p> <p>For this reason, it is recommended to thoroughly review the online version of all content to ensure you are happy with the quality of it. Then decide whether it should only be downloaded and viewed in its original file format.</p> <p>When a Content file is uploaded to Salesforce, the application generates PDF versions of the file's contents which are then used to generate an SVG version of the file for the online preview.</p> <p>Note: During the upload and conversion process it is not possible for Salesforce to guarantee that all the original file's formatting and features will be preserved in the online version used for Content previews.</p>
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Source: <https://help.salesforce.com/articleView?id=000337845&type=1&mode=1>

13. The Accused Products practice a method for determining to generate a signal specifying access information to access the content.

14. As an example, when a user receives the e-mail with the content URL, the user can access the file through the URL according to the access rules (i.e. access information) made by the sender to access the file, such as whether the recipient can only view the file or the recipient can both view and download the file. Accordingly, the user is presented with the options or indications (i.e. signal) to download or preview the file.

<p>4. Select the delivery methods that determine how your content can be viewed. The options that appear depend on the file format you uploaded.</p> <ul style="list-style-type: none"> • Choose Allow Recipient to View in the Browser to create an online version of the file that recipients can view in their browser. • Choose Allow Recipient to Download as [file type] file to allow the recipient of your content delivery to view the content in its original format. For example, if you uploaded a Microsoft® Word file, this field will be Allow download as .doc file. 	<p> NOTE If a preview of the file doesn't exist in Salesforce, users can download the delivered file regardless of whether downloading is allowed. File previews are made the first time they are requested in Salesforce, but not before. Viewing a file's detail page or posting it to a feed generate file previews.</p>
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Source: https://help.salesforce.com/articleView?id=content_delivery_create.htm&type=5

15. In view of preceding paragraphs, each and every element of at least claim 1 of the '411 Patent is found in the Accused Products.

16. Salesforce continues to directly infringe at least one claim of the ‘411 Patent, literally or under the doctrine of equivalents, by making, using, selling, offering for sale, importing, and/or distributing the Accused Products in the United States, including within this judicial district, without the authority of Brazos.

17. Salesforce has received notice and actual or constructive knowledge of the ‘411 Patent since at least the date of service of this Complaint.

18. Since at least the date of service of this Complaint, through its actions, Salesforce has actively induced product makers, distributors, retailers, and/or end users of the Accused Products to infringe the ‘411 Patent throughout the United States, including within this judicial district, by, among other things, advertising and promoting the use of the Accused Products in various websites, including providing and disseminating product descriptions, operating manuals, and other instructions on how to implement and configure the Accused Products. Examples of such advertising, promoting, and/or instructing include the documents at:

- <https://www.salesforce.com/crm/what-is-crm/https://help.salesforce.com/articleView?id=000337845&type=1&mode=1>
- <https://www.salesforce.com/solutions/mobile/overview/>
- https://help.salesforce.com//articleView?id=collab_files_differences.htm&type=5
- https://help.salesforce.com/articleView?id=content_about.htm&type=5
- https://help.salesforce.com/articleView?id=content_delivery_create.htm&type=5
- https://help.salesforce.com/articleView?id=content_delivery_view.htm&type=5

19. Since at least the date of service of this Complaint, through its actions, Salesforce has contributed to the infringement of the ‘411 Patent by having others sell, offer for sale, or use the Accused Products throughout the United States, including within this judicial district, with

knowledge that the Accused Products infringe the '411 Patent. The Accused Products are especially made or adapted for infringing the '411 Patent and have no substantial non-infringing use. For example, in view of the preceding paragraphs, the Accused Products contain functionality which is material to at least one claim of the '411 Patent.

JURY DEMAND

Brazos hereby demands a jury on all issues so triable.

REQUEST FOR RELIEF

WHEREFORE, Brazos respectfully requests that the Court:

(A) Enter judgment that Salesforce infringes one or more claims of the '411 Patent literally and/or under the doctrine of equivalents;

(B) Enter judgment that Salesforce has induced infringement and continues to induce infringement of one or more claims of the '411 Patent;

(C) Enter judgment that Salesforce has contributed to and continues to contribute to the infringement of one or more claims of the '411 Patent;

(D) Award Brazos damages, to be paid by Salesforce in an amount adequate to compensate Brazos for such damages, together with pre-judgment and post-judgment interest for the infringement by Salesforce of the '411 Patent through the date such judgment is entered in accordance with 35 U.S.C. § 284, and increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. § 284;

(E) Declare this case exceptional pursuant to 35 U.S.C. § 285; and

(F) Award Brazos its costs, disbursements, attorneys' fees, and such further and additional relief as is deemed appropriate by this Court.

Dated: December 18, 2020

Respectfully submitted,

/s/ James L. Etheridge

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